

CHAPTER IX

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

161 To 165A.- [Rep. By the Prevention of Corruption Act, 1988(49 of 1988), sec. 31.]

166. Public servant disobeying law, with intent to cause injury to any person.- Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 1 years, or fine or both- Non-Cognizable-Bailable-Triable by any Magistrate - Non-compoundable.

167.- Public servant framing an incorrect document with intent to cause injury.- Whoever, being a public servant, and being, as¹ [such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record] in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

1. Subs. by the Information Technology Act, 2000, sec. 91 and Sch.1, for certain words.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 3 years, or fine or both- Non-Cognizable-Bailable-Triable
by any Magistrate of the first class- Non- compoundable.

168. Public servant unlawfully engaging in trade.- Whoever, being a public servant and being legally bound as such public servant not to engage in trade , engage in trade, shall be punished with simple imprisonment for a term which may extend to one year , or with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 1 years, or fine or both- Non-Cognizable-Bailable-Triable
by any Magistrate of the first class- - Non- compoundable.

169. Public servant unlawfully buying or bidding for property.- Whoever, being a public servant and being legally bound as such public servant, not to purchase or bid for certain property , purchase or bids for that property , either in his own name or in the name of another , or jointly , or bids for that property , either in his own name or in the name of another, or jointly, or in shares with others , shall be punished with simple imprisonment for a term which may extend to two years , or with fine , or with both; and the property , if purchased , shall be confiscated.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine or both and confiscation of property if purchased - Non-Cognizable-Bailable-Triable by any Magistrate of the first class- - Non- compoundable.

170. Personating a public servant.- Whoever pretends to hold any particular office of a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine or both –Cognizable- Non-bailable-
Triable by any Magistrate of the first class- - Non- compoundable.

171. Wearing garb or carrying token used by public servant with fraudulent intent.-

Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred to two hundred rupees, or with both.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 3 months, or fine of 200 rupees, or both-
Cognizable- Bailable- Triable by Magistrate- Non- compoundable.

¹CHAPTER IXA

171A. —Candidate~~ll~~, —Electoral right — defined.- For the purpose of this Chapter-

- ²[(a) —candidate~~ll~~ means a person who has been nominated as a candidate at any election;]
- (b) —electoral right – means the right of a person to stand , or not to stand as, or to a withdraw from being ,a candidate or to vote or refrain from voting at any election.

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1. 1. Chapter IXA ins. by Act 39 of 1920,sec.2.
2. 2. Subs. by Act 40 of 1975,sec.9, for clause(a)

171B. Bribery.- (1) Whoever-

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or
- (ii) accepts either for himself or for any other person any gratification as reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right;

commits the offence of bribery :

Provided that a declaration of public action shall not be an offence under this section.

- (2) A person who offers, or agrees to give , or offers or attempts to procure, a gratification shall be deemed to give a gratification.
- (3) A person who obtains or agrees to accept or attempts to obtain a gratification

shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done , shall be deemed to have accepted the gratification as a reward.

171C. Undue influence at elections.- (1) Whoever voluntarily interfere or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provision of sub-section (1) , whoever-

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter , within the meaning of sub- section (1).

(3) A declaration of public policy or a promise of public action , or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. Personation at elections .- Whoever at an election applied for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name , or who having voted once at such election applies at the same election for a voting paper in his own name , and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171E. Punishment for bribery.- Whoever commits the offence of bribery shall be punished with fine ,or with both.

Provided that bribery by treating shall be punished with fine only.

Explanation.- —Treating means that form of bribery where the gratification consists in food, drink , entertainment, or provision.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 1 years, or fine or both or if treating only-Non - Cognizable-
Bailable-Triable by Magistrate of the first class- Non-compoundable.

171F. Punishment for undue influence or personation at an election.- Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

CLASSIFICATION OF OFFENCE

Para I. Punishment-Imprisonment for 1 years, or fine or both or if treating only Non-
Cognizable- Bailable-Triable by Magistrate of the first class- Non-compoundable.

*Para II. Punishment -Imprisonment for 1 years, or fine or both or if treating only-Non -
Cognizable- Bailable-Triable by Magistrate of the first class- Non-compoundable.*

171G. False statement in connection with an election.- Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true , in relation to the personal character or conduct of any candidate shall be punished with fine.

CLASSIFICATION OF OFFENCE

Punishment-Fine Non- Cognizable- Bailable-Triable by Magistrate of the first class- Non-compoundable.

171 H. False statement in connection with an election.- Whoever with intent to affect the result of an election makes or publishes any statement of fact which is false and which he either knows or believes to be false or does not believe to be true , in relation to the personal character or conduct of any candidate shall be punished with fine.

CLASSIFICATION OF OFFENCE

Punishment-Fine Non- Cognizable- Bailable-Triable by Magistrate of the first class- Non-compoundable.

171H. Illegal payments in connection with an election.- Whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting , or upon any advertisement, circular or publication , or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate , shall be punished with fine which may extend to five hundred rupees:

Provided that if any persons having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate.

CLASSIFICATION OF OFFENCE

Punishment-Fine of 500 rupees Non- Cognizable- Bailable-Triable by Magistrate of the first class- Non- compoundable.

171I. Failure to keep election accounts.- Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.]

CLASSIFICATION OF OFFENCE

Punishment-Fine 500 rupees- Non- Cognizable- Bailable-Triable by Magistrate of the first class- Non- compoundable.